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ATTORNEY DOCKET NUMBER: 2004117-0008 (NEMC 197-DIV)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carr, et al. Examiner: Robert S. Landsman  
Serial No.: 10/828,623 Group Art Unit: 1647  
Filed: April 21, 2004 Confirmation No.: 5207  
For: NOVEL CHIMERIC ANALGESIC PEPTIDES

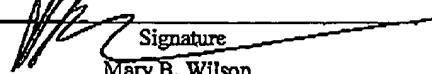
Commissioner for Patents  
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Sir:

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August 21, 2006

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RESPONSE TO RESTRICTION REQUIREMENT

This Response to Restriction Requirement is submitted in response to the Office Action mailed on May 19, 2006 for the above-identified application. The shortened statutory deadline for response to the instant Office Action was June 19, 2006. Applicant hereby requests a two-month extension of time from June 19, 2006 to and including August 19, 2006. With the extension, the deadline for reply is August 19, 2006, which falls on a weekend. Therefore, Applicant respectfully submits that the filing of this response on the next business day, August 21, 2006, is timely.

A first Restriction Requirement issued on May 1, 2006 in which the Examiner required restriction to one of the following groups:

Group I: Claims 1-17 drawn to a polypeptide and pharmaceutical composition

Group II: Claims 18-23 drawn to a method of treating pain by administering a polypeptide.

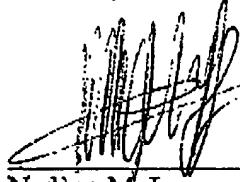
The Examiner subsequently withdrew this first Restriction Requirement in view of Applicant's Preliminary amendment filed concurrently with the instant application, in which the claims to the invention of Group I were cancelled. The Examiner issued a new Restriction Requirement on May 19, 2006 identifying a single invention (new Group I) directed to Claims 24-42 drawn to a method of treating pain by administering a polypeptide (formerly Group II in the 5/1/06 Restriction Requirement). Applicant understands that a further election of species is

required between (A) SEQ ID No.: 42 or 43, or (B) one opioid SEQ ID o.: 1-11 and one SP sequence from SEQ ID No.: 21, 36, 38-41 to be examined.

Responsive to the Election/Restriction Requirement, Applicant elects **Group I** (Claims 24-42 drawn to a method of treating pain by administering a polypeptide). Furthermore, Applicant elects SEQ ID No.: 42 as species (*i.e.*, opioid SEQ ID No.: 3 and SP SEQ ID No.: 21). Claims readable of the elected species are: claims 24-38 and 40-42.

Please charge any fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully Submitted,  
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Date: August 21, 2006

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